Calendar No. 775

100th Congress *2d Session*	SENATE	REPORT 100-409

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT OF 1988

REPORT

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

TO ACCOMPANY

S. 1081

TO ESTABLISH A COORDINATED NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM, AND A COMPREHENSIVE PLAN FOR THE ASSESSMENT OF THE NUTRITIONAL AND DIETARY STATUS OF THE UNITED STATES POPULATION AND THE NUTRITIONAL QUALITY OF THE UNITED STATES FOOD SUPPLY, WITH PROVISION FOR THE CONDUCT OF SCIENTIFIC RESEARCH AND DEVELOPMENT IN SUPPORT OF SUCH PROGRAM AND PLAN

JUNE 29, 1988.—Ordered to be printed

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100-409

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT OF 1988

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Mr. GLENN, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany S. 1081]

The Committee on Governmental Affairs, to which was referred the bill (S. 1081) to establish a coordinated National Nutrition Monitoring and Related Research Program and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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I. PURPOSE

The purpose of S. 1081 is to make more effective use of expenditures for nutrition monitoring and to establish and implement a plan for the National Nutrition Monitoring and Related Research Program to assess the dietary and nutritional status of the people of the United States.

II. BACKGROUND

The lack of a comprehensive national nutrition monitoring system has hindered the ability of the American public and policymakers to fully understand and address the nutritional quality of the food supply, ensure that the nutritional needs of the population are met, and acquire a data base that will enhance the planning and guidance of agriculture, nutrition and health research, intervention and education programs, and related public policies.

The United States Department of Agriculture (USDA) conducted the first large-scale national household food consumption survey in 1936. Since that time, a number of dietary and nutritional status surveys have been completed by USDA and the Department of Health, Education and Welfare (now the Department of Health and Human Services). While these surveys have provided invaluable nutritional information, there remains a need for a comprehensive, long-term program that will provide timely, integrated data on food, nutrition, and health-related issues.

A legislative mandate is necessary to sustain the progress that has been made to ensure that the United States will have the benefit of a continuous and comprehensive national nutrition monitoring system. S. 1081 will strengthen the developing cooperation between Federal agencies and provide the mechanisms necessary to incorporate the needs of the groups who depend upon the data and services provided by a national nutrition monitoring system. S. 1081 also requires the Secretaries of HHS and USDA to request the authorization and appropriation of funds so that nutrition monitoring will be identified as a separate line item of the budget of the appropriate agency, thereby giving Congress and the people the ability to exercise their oversight responsibilities to ensure the effective administration of the National Nutrition Monitoring and Related Research Program.

III. LEGISLATIVE HISTORY

National nutrition monitoring priorities and a system to collect such data have been the subject of legislative activity in the U.S. Congress since 1977. Hearings held by the House Committee on Science and Technology's Subcommittee on Science, Research and Technology in 1977 prompted a mandate in P.L. 95–113, the Food and Agriculture Act of 1977, for USDA and DHEW (now the DHHS) to submit a proposal for a comprehensive nutrition status monitoring system. The proposal, submitted to Congress in March 1978, detailed the type of data which was to be collected, but failed to describe how the plan would be implemented.

The House Committee on Science and Technology Subcommittee requested that the General Accounting Office (GAO) review the proposal. In June 1978, GAO reported several weaknesses in the proposal and recommended that the Executive Branch develop an implementation plan. The proposal was returned to the agencies with a directive from the Congress for the Executive Branch to proceed with an implementation plan for a national nutrition monitoring system.

The implementation plan had not been received by the Congress by mid-1981. Therefore, joint hearings were held in June 1981 by

the House Committee on Science and Technology's Subcommittee on Science, Research and Technology and the House Committee on Agriculture's Subcommittee on Department Operations, Research and Foreign Agriculture to obtain from the Executive Branch a commitment for submission of the implementation plan. The HHS–USDA Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System was received by the Congress in September 1981. One part of this plan was a calendar of the critical features of the implementation activities that were to be performed to allow the National Nutrition Monitoring System to be in place in 1987.

Joint oversight hearings were held by the two Subcommittees in 1982 and 1983. The results of these hearings indicated that: The implementation plan focused primarily on the Nationwide Food Consumption Survey (NFCS) and the National Health and Nutrition Examination Survey (NHANES); the timeliness of data analysis and coordination had improved, but remained inadequate; limited attention was given to the development of research methods and standards needed to enhance the effectiveness of nutrition monitoring; a survey design had not been developed to provide for an annual continuous monitoring system; and there was no budgetary data on current expenditures for nutrition monitoring activities or anticipated level of resources needed as the system was implemented. While some progress was being made and repeated commitments were received from both Departments to implement the nutrition monitoring system, some critical features of the Implementation Plan had not yet been completed which were necessary before the coordinated system was to begin in 1987.

During the 1983 hearing, public witnesses recommended that an effective nutrition monitoring system was extremely important to the development of agriculture, nutrition, and health policies in the United States, and that a legislative mandate would assist in establishing a central focus and identifiable resources for Federal nutrition monitoring activities. In response to the nutrition monitoring needs presented at this oversight hearing, Congressmen McKay, Brown, and Walgren introduced on January 30, 1984, H.R. 4684, the National Nutrition Monitoring and Related Research Act of 1984.

H.R. 4684 was referred jointly to the House Committee on Agriculture and the Committee on Science and Technology. The Subcommittee on Science, Research and Technology of the Committee on Science and Technology and the Subcommittee on Department Operations, Research and Foreign Agriculture of the Committee on Agriculture held a joint hearing on the bill on June 20, 1984. The Subcommittee on Science, Research and Technology met on July 25, 1984, adopted an amendment in the nature of a substitute and ordered the bill reported to the Committee on Science and Technology. The bill was further amended by the full Committee on August 8, 1984. On September 20, 1984, the Committee favorably reported the bill by a roll call vote.

On October 2, 1984, the Committee on Science and Technology, with the concurrence of the Committees on Agriculture, and Energy and Commerce, which has requested sequential referral of the bill, brought H.R. 4684 to the House for consideration under

suspension of the rules, requiring a two-thirds vote for passage. The recorded vote was 265 yeas and 147 nays, thus the bill was not passed.

On May 8, 1985 H.R. 2436, the National Nutrition Monitoring and Related Research Act of 1985 was introduced by Congressmen MacKay, Brown, Walgren and 28 cosponsors. The bill was jointly referred to the Committees on Agriculture, and Science and Technology. On June 25, 1985, a joint hearing was held on H.R. 2436 with the Subcommittee on Science, Research and Technology of the Committee on Science and Technology, and the Subcommittees on Department Operations, Research and Foreign Agriculture, and Domestic Marketing, Consumer Relations and Nutrition of the Committee on Agriculture.

The Subcommittee on Science, Research and Technology met on October 31, 1985, and after considering H.R. 2436, adopted by voice vote an amendment in the nature of a substitute. The Subcommittee ordered the bill reported, as amended by voice vote, to the Committee on Science and Technology. The bill was brought to the full Committee on Science and Technology for consideration on November 21, 1985. The Committee adopted the report of the Subcommittee, and began consideration of the Subcommittee substitute amendment. The Committee continued consideration of the bill on February 19, 1986, further amending the substitute, and ordered it favorably reported to the House. Following a similarly favorable report by the Committee on Agriculture, the bill was placed on the Union Calendar June 19, 1986. After considerable debate, H.R. 2436 passed the House, as amended, by a vote of 305 to 85 on June 26, 1986.

S. 1569, the Improved Public Health Through Nutrition Monitoring Act of 1985, was introduced on August 1, 1985 by Senator Bingaman and cosponsored by Senators Matsunaga, Chiles, Hollings, Gore, Mitchell, Boschwitz, Simon, Levin, Stennis, Riegle, and Glenn. The bill was referred to the Committee on Governmental Affairs.

On July 14, 1986 the House-passed version of H.R. 2436 was received in the Senate and referred to the Committee on Governmental Affairs. A markup was held August 12, 1986 at which S. 1569 was set aside and H.R. 2436 was ordered reported favorably without amendment. The Senate did not complete action on the bill by October 18, 1986 when the 99th Congress recessed, so the bill died.

On April 23, 1987, the National Nutrition Monitoring and Related Research Act of 1987 (H.R. 2151) was introduced by Congressmen MacKay, Brown, and Walgren along with 20 cosponsors. S. 1081 was introduced by Senator Bingaman along with 12 cosponsors. The bill was referred to the House Committees on Agriculture, and Science, Space, and Technology; in the Senate to the Committee on Governmental Affairs.

On March 1, 1988, the Senate Committee on Governmental Affairs held a hearing that examined nutrition monitoring in the context of current Federal nutrition research and dietary guidance activities. On March 22, 1988, the Committee held a hearing on the bill itself. On April 14, 1988, the Committee marked up S. 1081 and voted unanimously to favorably report the bill.

IV. TEXT OF BILL AS REPORTED

[S. 1081, 100th Cong., 2d Sess.]

A BILL To establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SHORT TITLE

[SECTION 1. This Act may be cited as the "National Nutrition Monitoring and Related Research Act of 1987".

[PURPOSES

[SEC. 2. The purposes of this Act are to—

[(1) make more effective use of Federal and State expenditures for nutrition monitoring, and enhance the performance and benefits of current Federal nutrition monitoring and related research activities;

[(2) establish and facilitate the timely implementation of a coordinated National Nutrition Monitoring and Related Research Program, and thereby provide a scientific basis for the maintenance and improvement of the nutritional status of the people of the United States and the nutritional quality of the United States food supply;

[(3) establish and implement a comprehensive plan for the National Nutrition Monitoring and Related Research Program to assess, on a continuing basis, the dietary and nutritional status of the people of the United States and the trends with respect to such status, the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and the relevant policy implications;

[(4) establish and improve the quality of national nutritional and health status data and related data bases and networks, and stimulate research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for nutrition monitoring;

[(5) establish a central Federal focus for the coordination, management, and direction of Federal nutrition monitoring activities;

[(6) establish mechanisms for addressing the nutrition monitoring needs of Federal, State, and local governments, the private sector, scientific and engineering communities, health care professionals, and the public in support of the foregoing purposes; and

[(7) provide for the conduct of such scientific research and development as may be necessary or appropriate in support of such purposes.

[DEFINITIONS

[SEC. 3. As used in this Act—

[(1) the term "nutrition monitoring and related research" means the set of activities necessary to provide timely information about the role and status of factors that bear on the contribution that nutrition makes to the health of the people of the United States, including (A) dietary, nutritional, and health status measurements, (B) food consumption measurements, (C) food composition measurements and nutrient data banks, (D) dietary knowledge and attitude measurements, and (E) food supply and demand determinations;

[(2) the term "coordinated program" means the National Nutrition Monitoring and Related Research Program established by section 101(a);

[(3) the terms "Interagency Board for Nutrition Monitoring and Related Research" and "Board" mean the Federal coordinating body established by section 101(c);

[(4) the term "comprehensive plan" means the comprehensive plan prepared under section 103;

[(5) the term "Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System" means the plan of that title submitted to Congress in September 1981 by the Department of Agriculture and the Department of Health and Human Services, under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178);

[(6) the terms "National Nutrition Monitoring Advisory Council" and "Council" mean the advisory body established under section 201;

[(7) the term "Secretaries" means the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly; and

[(8) the term "local government" means a local general unit of government or local educational unit.

[TITLE I--NUTRITION MONITORING AND RELATED RESEARCH

[ESTABLISHMENT OF THE COORDINATED PROGRAM

[SEC. 101. (a) There is hereby established a ten-year coordinated program, to be known as the National Nutrition Monitoring and Related Research Program, to carry out the purposes of this Act.

[(b) The Secretaries shall be responsible for the implementation of the coordinated program.

[(c) To assist in implementing the coordinated program, there is hereby established an Interagency Board for Nutrition Monitoring and Related Research, of which an Assistant Secretary in the Department of Agriculture (designated by the Secretary of Agriculture) and an Assistant Secretary in the Department of Health and Human Services (designated by the Secretary of Health and Human Services) shall be joint chairpersons. The remaining membership of the Board shall consist of additional representatives of Federal agencies, as deemed appropriate by the joint chairpersons

of the Board. The Board shall meet no less often than once every three months.

[(d) To establish a central focus and coordinator for the coordinated program, the Secretaries may appoint a full-time Administrator of Nutrition Monitoring and Related Research. The Administrator shall—

[(1) be an individual who is eminent in the field of nutrition monitoring and related areas, and be selected on the basis of his or her established record of expertise and distinguished service; and

[(2) administer the coordinated program with the advice and counsel of the joint chairpersons of the Board, serve as the focal point for the coordinated program, and serve as the Executive Secretary for the National Nutrition Monitoring Advisory Council.

[FUNCTIONS OF THE SECRETARIES

[SEC. 102. (a) The Secretaries, with the advice of the Board, shall—

[(1) establish the goals of the coordinated program and identify the activities required to meet such goals, and identify the responsible agencies with respect to the coordinated program;

[(2) update the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System, and integrate it into the coordinated program;

[(3) ensure the timely implementation of the coordinated program and the comprehensive plan prepared under section 103;

[(4) include in the coordinated program and the comprehensive plan a competitive grants program, in accordance with the provisions of this Act, to encourage and assist the conduct, by Federal and non-Federal entities on an appropriate matching funds basis, of research (including research described in section 103(a)(3)) that will accelerate the development of uniform and cost-effective standards and indicators for the assessment and monitoring of nutritional and dietary status and for relating food consumption patterns to nutritional and health status;

[(5) include in the coordinated program and the comprehensive plan a grants program, in accordance with the provisions of this Act, to encourage and assist State and local governments in developing the capacity to conduct monitoring and surveillance of nutritional status, food consumption, and nutrition knowledge and in using such capacity to enhance nutrition services (including activities described in sections 103(a)(5) and 103(b)(9));

[(6) include in the coordinated program each fiscal year an annual interagency budget for each fiscal year of the program;

[(7) foster productive interaction, with respect to nutrition monitoring and related research, among Federal efforts, State and local governments, the private sector, scientific communities, health professionals, and the public;

[(8) contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies

for Experimental Biology, to interpret available data analyses, and publish every two years, or more frequently if appropriate, a report, on the dietary, nutritional, and health-related status of the people of the United States and the nutritional quality of the national food supply; and

[(9)(A) foster cost recovery management techniques in the coordinated program, and (B) impose appropriate charges and fees for publications of the coordinated program, including print and electronic forms of data and analysis, and use the proceeds of such charges and fees for purposes of the coordinated program (except that no such charge or fee imposed on an educational or other nonprofit organization shall exceed the actual costs incurred by the coordinated program in providing the publications involved).

[(b) The Secretaries shall submit to the President for transmittal to Congress by January 15 of each year an annual report that shall—

[(1) evaluate the progress of the coordinated program;

[(2) summarize the results of such coordinated program components as are developed under section 103;

[(3) analyze the dietary, nutritional, and related health status of the people of the United States, the nutritional quality of the national food supply, the relevant policy implications of the analytical findings, and future nutrition monitoring and related research priorities;

[(4) include in full the annual report of the Council provided for in section 202; and

[(5) include an executive summary of the report most recently published by the scientific body, as provided for in subsection (a)(8).

[DEVELOPMENT OF THE COMPREHENSIVE PLAN FOR THE NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

[SEC. 103. (a) The Secretaries, with the advice of the Board, shall prepare and implement a comprehensive plan for the coordinated program which shall be designed to—

[(1) assess, collate data with respect to, analyze, and report, on a continuous basis, the dietary and nutritional status of the people of the United States, and the trends with respect to such status (dealing with such status and trends separately in the case of preschool and school-age children, pregnant and lactating women, elderly individuals, low income populations, blacks, Hispanics, and other groups, at the discretion of the Secretaries), the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and relevant policy implications of findings with respect to such status, trends, and research;

[(2) assess, analyze, and report, on a continuous basis, for a representative sample of the low income population, food and household expenditures, participation in food assistance programs, and periods experienced when nutrition benefits are not sufficient to provide an adequate diet;

[(3) sponsor or conduct research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for conducting and reporting nutrition monitoring and surveillance;

[(4) develop and keep updated a national dietary and nutritional status data bank, a nutrient data bank, and other data resources as required;

[(5) assist State and local government agencies in developing procedures and networks for nutrition monitoring and surveillance; and

[(6) focus the activities of the Federal agencies.

[(b) The comprehensive plan, at a minimum, shall include components to—

[(1) maintain and coordinate the National Health and Nutrition Examination Survey (NHANES) and the Nationwide Food Consumption Survey (NFCS);

[(2) provide, by 1990, for the continuous collection, processing, and analysis of nutritional and dietary status data through a stratified probability sample of the people of the United States designed to permit statistically reliable estimates of high-risk groups and geopolitical and geographic areas, and to permit accelerated data analysis (including annual analysis, as appropriate);

[(3) maintain and enhance other Federal nutrition monitoring efforts such as the Centers for Disease Control Nutrition Surveillance Program and the Food and Drug Administration Total Diet Study, and, to the extent possible, coordinate such efforts with the surveys described in paragraphs (1) and (2);

[(4) incorporate, in survey design, military and (where appropriate) institutionalized populations;

[(5) complete the analysis and interpretation of the data sets from the surveys described in paragraph (1) collected prior to 1984 within the first year of the comprehensive plan;

[(6) improve the methodologies and technologies, including those suitable for use by States and localities, available for the assessment of nutritional and dietary status and trends;

[(7) develop uniform standards and indicators for the assessment and monitoring of nutritional and dietary status, for relating food consumption patterns to nutritional and health status, and for use in the evaluation of Federal food and nutrition intervention programs;

[(8) establish national baseline data and procedures for nutrition monitoring;

[(9) provide scientific and technical assistance, training, and consultation to State and local governments for the purpose of obtaining dietary and nutritional status data and developing related data bases and networks to promote the development of regional, State, and local data collection services to become an integral component of a national nutritional status network;

[(10) establish mechanisms to identify the needs of users of nutrition monitoring data and to encourage the private sector and the academic community to participate in the development and implementation of the comprehensive plan and contribute

(v) one shall be appointed by the minority leader of the Senate.

(3) The Council also shall include the joint chairpersons of the Board as ex officio nonvoting members.

(b) Each person appointed to the Council shall be—

(1) eminent in the field of administrative dietetics, clinical dietetics, community nutrition research, public health nutrition, nutrition monitoring and surveillance, nutritional biochemistry, food composition and nutrient analysis, health statistics management, epidemiology, food technology, clinical medicine, public administration, health education, nutritional anthropology, food consumption patterns, food assistance programs, agriculture, or economics; and

(2) selected solely on the basis of an established record of distinguished service.

(c) The persons appointed to the Council by the President shall include—

(1) one member who is a director of a nutrition research unit that is primarily supported by Federal funds, and who has a specialized interest in nutrition monitoring;

(2) one member who is an employee of a State government and has a specialized interest in nutrition monitoring;

(3) one member who is an employee of a local government and has a specialized interest in nutrition monitoring; and

(4) one member who is an appointed representative of the Food and Nutrition Board, National Academy of Sciences.

(d) The Council membership, at all times, shall have representatives from various geographic areas, the private sector, academia, scientific and professional societies, agriculture, minority organizations, and public interest organizations.

(e) The Chairperson of the Council shall be elected from and by the Council membership. The term of office of the Chairperson shall not exceed five years. If a vacancy occurs in the Chairpersonship, the Council shall elect a member to fill such vacancy.

(f) The term of office of each of the voting members of the Council shall be five years, except that of the four members first appointed by the President, one shall be appointed for a term of two years, two for terms of three years, and one for a term of four years, as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term. No member shall be eligible to serve continuously for more than two consecutive terms.

(g) The initial members of the Council shall be appointed or designated not later than ninety days after the date of the enactment of this Act.

(h) The Council shall meet on a regular basis at the call of the Chairperson, or on the written request of one-third of the members. A majority of the appointed members of the Council shall constitute a quorum.

(i) Appointed members of the Council may not be employed by either the Department of Agriculture or the Department of Health and Human Services and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

relevant data from non-Federal sources to promote the development of a national nutritional status network;

[(11) compile an inventory of Federal, State, and nongovernment activities related to nutrition monitoring and related research;

[(12) focus on national nutrition monitoring needs while building on the responsibilities and expertise of the individual membership of the Board;

[(13) administer the coordinated program, define program objectives, priorities, oversight, responsibilities, outcomes, and resources, and define the organization and management of the Board and the Council; and

[(14) provide a mechanism for periodically evaluating and refining the coordinated program and the comprehensive plan that facilitates cooperation and interaction by State and local governments, the private sector, scientific communities, and health care professionals, and that facilitates coordination with non-Federal activities.

[(c) The comprehensive plan shall allocate all of the projected functions and activities under the coordinated program among the various Federal agencies and offices that will be involved, and shall contain an affirmative statement and description of the functions to be performed and activities to be undertaken by each of such agencies and offices in carrying out the coordinated program.

[(d) The comprehensive plan shall—

[(1) be submitted in draft form to the President for submission to Congress, and for public review, within twelve months after the date of the enactment of this Act;

[(2) be available for public comment for a period of sixty days after its submission in draft form under paragraph (1) by means of publication in the Federal Register;

[(3) be submitted in final form, incorporating such needed revisions as may arise from comments received during the review period, to the President for submission to Congress within sixty days after the close of the period allowed for comments on the draft comprehensive plan under paragraph (2); and

[(4) constitute the basis on which each agency participating in the coordinated program requests authorizations and appropriations for nutrition monitoring and related research during the ten-year period of the program.

[(e) Nothing in this section may be construed as modifying, or as authorizing the Secretaries or the comprehensive plan to modify, any provision of an appropriation Act (or any other provision of law relating to the use of appropriated funds) that specifies (1) the department or agency to which funds are appropriated, or (2) the obligations of such department or agency with respect to the use of such funds.

[IMPLEMENTATION OF THE COMPREHENSIVE PLAN

[SEC. 104. (a) The comprehensive plan shall be carried out during the period ending with the close of the ninth fiscal year fol-

lowing the fiscal year in which the comprehensive plan is submitted in its final form under section 103(d)(3), and shall be—

[(1) carried out in accord with, and meet the program objectives specified in, section 103(a) and paragraphs (1) through (11) of section 103(b);

[(2) managed in accord with paragraphs (12) through (14) of section 103(b);

[(3) carried out, by the Federal agencies involved, in accord with the allocation of functions and activities under section 103(c); and

[(4) funded by appropriations made to such agencies as described in section 106, for each fiscal year of the program.

Congress through its appropriate authorizing committees shall exercise continuing oversight over the coordinated program, taking into account the Secretaries' annual reports and such other information and data as may be developed.

[(b) Nothing in this title may be deemed to grant any new regulatory authority or to limit, expand, or otherwise modify any regulatory authority under existing law, or to establish new criteria, standards, or requirements for regulation under existing law.

[SCIENTIFIC RESEARCH AND DEVELOPMENT IN SUPPORT OF THE COORDINATED PROGRAM AND COMPREHENSIVE PLAN

[SEC. 105. The Secretaries shall provide for and coordinate the conduct, by the National Science Foundation, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, and other suitable Federal agencies, of such scientific research and development as may be necessary or appropriate in support of the coordinated program and the comprehensive plan and in furtherance of the purposes and objectives of this Act.

[AUTHORIZATIONS AND APPROPRIATIONS

[SEC. 106. (a) Authorizations and appropriations for the fiscal year in which the comprehensive plan is submitted in final form under section 103(d)(3) and for the nine succeeding fiscal years, for purposes of carrying out the coordinated program and implementing the comprehensive plan, shall be requested by the Secretaries and by each of the agencies that are allocated responsibilities under the coordinated program under section 103(c), in a separate line item of the budget of the agency involved and consistent with the interagency budget for the coordinated program.

[(b) Nothing in this title is intended either (1) to authorize the appropriation or require the expenditure of any funds in excess of the amount of funds that would be authorized or expended for the same purposes in the absence of the coordinated program, or (2) to limit the authority of any of the participating agencies to request and receive funds for those purposes (for use in the coordinated program) under other laws.

[TITLE II—NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

[ESTABLISHMENT OF THE COUNCIL

[SEC. 201. (a)(1) The President shall establish, within ninety days after the date of the enactment of this Act, a National Nutrition Monitoring Advisory Council. The Council shall assist in carrying out the purposes of this Act, provide scientific and technical advice on the development and implementation of the coordinated program and comprehensive plan, and serve in an advisory capacity to the Secretaries.

[(2) The Council shall consist of eleven voting members, of whom—

[(A) seven members shall be appointed by the President; and

[(B) four members shall be appointed by Congress—one by the Speaker of the House of Representatives, one by the minority leader of the House of Representatives, one by the President pro tempore of the Senate, and one by the minority leader of the Senate.

[(3) The Council also shall include the joint chairpersons of the Board as ex officio nonvoting members.

[(b) Each person appointed to the Council shall be—

[(1) eminent in the field of administrative dietetics, clinical dietetics, community nutrition research, public health nutrition, nutrition monitoring and surveillance, nutritional biochemistry, food composition and nutrient analysis, health statistics management, epidemiology, food technology, clinical medicine, public administration, health education, nutritional anthropology, food consumption patterns, food assistance programs, agriculture, or economics; and

[(2) selected solely on the basis of an established record of distinguished service.

[(c) The persons appointed to the Council by the President shall include—

[(1) one member who is a director of a nutrition research unit that is primarily supported by Federal funds, and who has a specialized interest in nutrition monitoring;

[(2) one member who is an employee of a State government and has a specialized interest in nutrition monitoring;

[(3) one member who is an employee of a local government and has a specialized interest in nutrition monitoring; and

[(4) one member who is an appointed representative of the Food and Nutrition Board, National Academy of Sciences.

[(d) The Council membership, at all times, shall have representatives from various geographic areas, the private sector, academia, scientific and professional societies, minority organizations, and public interest organizations.

[(e) The Chairperson of the Council shall be elected from and by the Council membership. The term of office of the Chairperson shall not exceed five years. In case a vacancy occurs in the Chairpersonship, the Council shall elect a member to fill such vacancy.

[(f) The term of office of each of the voting members of the Council shall be five years, except that of the seven members first appointed by the President, one shall be appointed for a term of two years, three for terms of three years, and three for terms of four years, as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. No member shall be eligible to serve continuously for more than two consecutive terms.

[(g) The initial members of the Council shall be appointed or designated (without regard to the requirements of the Federal Advisory Committee Act) not later than ninety days after the date of the enactment of this Act.

[(h) The Council shall meet on a regular basis at the call of the Chairperson, or on the written request of one-third of the members. A majority of the appointed members of the Council shall constitute a quorum.

[(i) Appointed members of the Council shall not be employed by the Federal Government, and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

[(j) The Administrator of Nutrition Monitoring and Related Research (if appointed under section 101(d)) shall serve as the Executive Secretary of the Council.

[FUNCTIONS OF THE COUNCIL

[SEC. 202. The Council shall—

[(1) provide scientific and technical advice on the development and implementation of all components of the coordinated program and the comprehensive plan;

[(2) evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program;

[(3) recommend to the Secretaries, on an annual basis, means of enhancing the comprehensive plan and the coordinated program; and

[(4) submit to the Secretaries annual reports that shall contain the components specified in paragraphs (2) and (3), and that shall be included in full in the Secretaries' annual reports to the President for transmittal to Congress under section 102(b).

[TITLE III—DIETARY GUIDANCE

[ESTABLISHMENT OF DIETARY GUIDELINES

[SEC. 301. (a)(1) By January 1, 1990, and at least every five years thereafter, the Secretaries shall publish a report entitled "Dietary Guidelines For Americans". Each such report shall contain nutritional and dietary information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program.

[(2) The information and guidelines contained in each report required under paragraph (1) shall be based on the preponderance of

the scientific and medical knowledge which is current at the time the report is prepared.

[(b)(1) Any Federal agency which proposes to issue any dietary guidance for the general population shall submit the text of such guidance to the Secretaries prior to the release of such guidance.

[(2)(A) Within 90 days after receiving the text of any proposed dietary guidance pursuant to paragraph (1), the Secretary of Agriculture and the Secretary of Health and Human Services shall review and approve or disapprove such guidance to assure consistency with the "Dietary Guidelines For Americans" in effect on the date such review is made.

[(B) If either Secretary approves a proposed dietary guidance, the dietary guidance may be issued on the date which is 90 days after the date of submission of such guidance by the Federal agency under subparagraph (A) or on the date such dietary guidance is approved by both Secretaries, whichever is earlier. If both Secretaries disapprove a proposed dietary guidance, the Secretaries shall notify the Federal agency submitting such guidance of such disapproval, and such guidance may not be issued, except as provided in subparagraph (C).

[(C) If a proposed dietary guidance is disapproved by both Secretaries under subparagraph (B), the Federal agency proposing such guidance may, within 15 days after receiving notification of such disapproval under subparagraph (B), request the Secretaries to review such disapproval. Within 15 days after receiving a request for such a review, the Secretaries shall conduct such review. If, pursuant to such review, either Secretary approves such proposed dietary guidance, such guidance may be issued by the Federal agency.

[(3) For purposes of this subsection, the term "dietary guidance for the general population" does not include any rule or regulation issued by a Federal agency.

[(c) This section does not place any limitations on—

[(1) the conduct or support of any scientific or medical research by any Federal agency; or

[(2) the presentation of any scientific or medical findings or the exchange or review of scientific or medical information by any Federal agency.]

SHORT TITLE

SECTION 1. This Act may be cited as the "National Nutrition Monitoring and Related Research Act of 1988".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) make more effective use of Federal and State expenditures for nutrition monitoring, and enhance the performance and benefits of current Federal nutrition monitoring and related research activities;

(2) establish and facilitate the timely implementation of a coordinated National Nutrition Monitoring and Related Research Program, and thereby provide a scientific basis for the maintenance and improvement of the nutritional status of the people

of the United States and the nutritional quality (including, but not limited to, nutrient and non-nutritive content) of the United States food supply,

(3) establish and implement a comprehensive plan for the National Nutrition Monitoring and Related Research Program to assess, on a continuing basis, the dietary and nutritional status of the people of the United States and the trends with respect to such status, the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and the relevant policy implications;

(4) establish and improve the quality of national nutritional and health status data and related data bases and networks, and stimulate research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for nutrition monitoring;

(5) establish a central Federal focus for the coordination, management, and direction of Federal nutrition monitoring activities;

(6) establish mechanisms for addressing the nutrition monitoring needs of Federal, State, and local governments, the private sector, scientific and engineering communities, health care professionals, and the public in support of the foregoing purposes; and

(7) provide for the conduct of such scientific research and development as may be necessary or appropriate in support of such purposes.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "nutrition monitoring and related research" means the set of activities necessary to provide timely information about the role and status of factors that bear on the contribution that nutrition makes to the health of the people of the United States, including—

(A) dietary, nutritional, and health status measurements;

(B) food consumption measurements;

(C) food composition measurements and nutrient data banks;

(D) dietary knowledge and attitude measurements; and

(E) food supply and demand determinations;

(2) the term "coordinated program" means the National Nutrition Monitoring and Related Research Program established by section 101(a);

(3) the terms "Interagency Board for Nutrition Monitoring and Related Research" and "Board" mean the Federal coordinating body established by section 101(c);

(4) the term "comprehensive plan" means the comprehensive plan prepared under section 103;

(5) the term "Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System" means the plan of that title submitted to Congress in September 1981 by the Department of Agriculture and the Department of Health and Human

Services, under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178);

(6) the terms "National Nutrition Monitoring Advisory Council" and "Council" mean the advisory body established under section 201;

(7) the term "Secretaries" means the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly;

(8) the term "local government" means a local general unit of government or local educational unit; and

(9) the term "nutritional quality" means—

(A) the appropriate levels of individual nutrients in the diet;

(B) the appropriate levels between nutrients in the diet;

(C) the bio-availability of nutrients such as absorption, digestion, and utilization; and

(D) the nutritional importance of non-nutrient substances such as fiber, phytate, and such substances that are naturally found in the food supply.

TITLE I—NUTRITION MONITORING AND RELATED RESEARCH

ESTABLISHMENT OF THE COORDINATED PROGRAM

SEC. 101. (a) There is established a ten-year coordinated program, to be known as the National Nutrition Monitoring and Related Research Program, to carry out the purposes of this Act.

(b) The Secretaries shall be responsible for the implementation of the coordinated program.

(c) To assist in implementing the coordinated program, there is established an Interagency Board for Nutrition Monitoring and Related Research, of which an Assistant Secretary in the Department of Agriculture (designated by the Secretary of Agriculture) and an Assistant Secretary in the Department of Health and Human Services (designated by the Secretary of Health and Human Services) shall be joint chairpersons. The remaining membership of the Board shall consist of additional representatives of Federal agencies, as determined appropriate by the joint chairpersons of the Board. The Board shall meet no less often than once every three months for the two-year period following the date of the enactment of this Act, and when appropriate thereafter.

(d) To establish a central focus and coordinator for the coordinated program, the Secretaries may appoint an Administrator of Nutrition Monitoring and Related Research. The Administrator shall—

(1) be an individual who is eminent in the field of nutrition monitoring and related areas, and be selected on the basis of the established record of expertise and distinguished service of such individual; and

(2) administer the coordinated program with the advice and counsel of the joint chairpersons of the Board, serve as the focal point for the coordinated program, and serve as the Executive Secretary for the National Nutrition Monitoring Advisory Council.

FUNCTIONS OF THE SECRETARIES

SEC. 102. (a) The Secretaries, with the advice of the Board, shall—

(1) establish the goals of the coordinated program and identify the activities required to meet such goals, and identify the responsible agencies with respect to the coordinated program;

(2) update the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System, and integrate it into the coordinated program;

(3) ensure the timely implementation of the coordinated program and the comprehensive plan prepared under section 103;

(4) include in the coordinated program and the comprehensive plan a competitive grants program, in accordance with the provisions of this Act, to encourage and assist the conduct, by Federal and non-Federal entities on an appropriate matching funds basis, of research (including research described in section 103(a)(3)) that will accelerate the development of uniform and cost-effective standards and indicators for the assessment and monitoring of nutritional and dietary status and for relating food consumption patterns to nutritional and health status;

(5) include in the coordinated program and the comprehensive plan a grants program, in accordance with the provisions of this Act, to encourage and assist State and local governments in developing the capacity to conduct monitoring and surveillance of nutritional status, food consumption, and nutrition knowledge and in using such capacity to enhance nutrition services (including activities described in sections 103(a)(5) and 103(b)(9));

(6) include in the coordinated program each fiscal year an annual interagency budget for each fiscal year of the program;

(7) foster productive interaction, with respect to nutrition monitoring and related research, among Federal efforts, State and local governments, the private sector, scientific communities, health professionals, and the public;

(8) contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology, to interpret available data analyses, and publish every two years, or more frequently if appropriate, a report, on the dietary, nutritional, and health-related status of the people of the United States and the nutritional quality (including, but not limited to, nutrient and non-nutritive content) of the national food supply; and

(9)(A) foster cost recovery management techniques in the coordinated program; and

(B) impose appropriate charges and fees for publications of the coordinated program, including print and electronic forms of data and analysis, and use the proceeds of such charges and fees for purposes of the coordinated program (except that no such charge or fee imposed on an educational or other nonprofit organization shall exceed the actual costs incurred by the coordinated program in providing the publications involved).

(b) The Secretaries shall submit to the President for transmittal to Congress by January 15 of each alternate year, beginning with Janu-

ary 15 following the date of the enactment of this Act, a biannual report that shall—

(1) evaluate the progress of the coordinated program;

(2) summarize the results of such coordinated program components as are developed under section 103;

(3) evaluate the relevant policy implications of the analytical findings in the scientific report required under section 102(a)(8), and future nutrition monitoring and related research priorities;

(4) include in full the annual reports of the Council provided for in section 202; and

(5) include an executive summary of the report most recently published by the scientific body, as provided for in subsection (a)(8).

DEVELOPMENT OF THE COMPREHENSIVE PLAN FOR THE NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

SEC. 103. (a) The Secretaries, with the advice of the Board, shall prepare and implement a comprehensive plan for the coordinated program which shall be designed to—

(1) assess, collate data with respect to, analyze, and report, on a continuous basis, the dietary and nutritional status of the people of the United States, and the trends with respect to such status (dealing with such status and trends separately in the case of preschool and school-age children, pregnant and lactating women, elderly individuals, low income populations, blacks, Hispanics, and other groups, at the discretion of the Secretaries), the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and relevant policy implications of findings with respect to such status, trends, and research;

(2) sample representative subsets of identifiable low income populations, and assess, analyze, and report, on a continuous basis, food and household expenditures, participation in food assistance programs, kinds of foods obtained through such programs, and periods experienced when nutrition benefits are not sufficient to provide an adequate diet;

(3) sponsor or conduct research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for conducting and reporting nutrition monitoring and surveillance;

(4) develop and keep updated a national dietary and nutritional status data bank, a nutrient data bank, and other data resources as required;

(5) assist State and local government agencies in developing procedures and networks for nutrition monitoring and surveillance; and

(6) focus the activities of the Federal agencies.

(b) The comprehensive plan, at a minimum, shall include components to—

(1) maintain and coordinate the National Health and Nutrition Examination Survey (NHANES) and the Nationwide Food Consumption Survey (NFCS);

(2) provide, by 1990, for the continuous collection, processing, and analysis of nutritional and dietary status data through stratified probability samples of the people of the United States designed to permit statistically reliable estimates of high-risk groups and geopolitical or geographic areas, and to permit accelerated data analysis (including annual analysis, as appropriate);

(3) maintain and enhance other Federal nutrition monitoring efforts such as the Centers for Disease Control Nutrition Surveillance Program and the Food and Drug Administration Total Diet Study, and, to the extent possible, coordinate such efforts with the surveys described in paragraphs (1) and (2);

(4) incorporate, in survey design, military and (where appropriate) institutionalized populations;

(5) complete the analysis and interpretation of the data sets from the surveys described in paragraph (1) collected prior to 1984 within the first year of the comprehensive plan;

(6) improve the methodologies and technologies, including those suitable for use by States and localities, available for the assessment of nutritional and dietary status and trends;

(7) develop uniform standards and indicators for the assessment and monitoring of nutritional and dietary status, for relating food consumption patterns to nutritional and health status, and for use in the evaluation of Federal food and nutrition intervention programs;

(8) establish national baseline data and procedures for nutrition monitoring;

(9) provide scientific and technical assistance, training, and consultation to State and local governments for the purpose of—

(A) obtaining dietary and nutrition status data;

(B) developing related data bases; and

(C) promoting the development of regional, State, and local data collection services to become an integral component of a national nutritional status network;

(10) establish mechanisms to identify the needs of users of nutrition monitoring data and to encourage the private sector and the academic community to participate in the development and implementation of the comprehensive plan and contribute relevant data from non-Federal sources to promote the development of a national nutritional status network;

(11) compile an inventory of Federal, State, and nongovernment activities related to nutrition monitoring and related research;

(12) focus on national nutrition monitoring needs while building on the responsibilities and expertise of the individual membership of the Board;

(13) administer the coordinated program, define program objectives, priorities, oversight, responsibilities, and resources, and define the organization and management of the Board and the Council; and

(14) provide a mechanism for periodically evaluating and refining the coordinated program and the comprehensive plan that facilitates cooperation and interaction by State and local

governments, the private sector, scientific communities, and health care professionals, and that facilitates coordination with non-Federal activities.

(c) The comprehensive plan shall allocate all of the projected functions and activities under the coordinated program among the various Federal agencies and offices that will be involved, and shall contain an affirmative statement and description of the functions to be performed and activities to be undertaken by each of such agencies and offices in carrying out the coordinated program.

(d) The comprehensive plan shall—

(1) be submitted in draft form to the President for submission to Congress, and for public review, within twelve months after the date of the enactment of this Act;

(2) be available for public comment for a period of sixty days after its submission in draft form under paragraph (1) by means of publication in the Federal Register;

(3) be submitted in final form, incorporating such needed revisions as may arise from comments received during the review period, to the President for submission to Congress within sixty days after the close of the period allowed for comments on the draft comprehensive plan under paragraph (2); and

(4) constitute the basis on which each agency participating in the coordinated program requests authorizations and appropriations for nutrition monitoring and related research during the ten-year period of the program.

(e) Nothing in this section may be construed as modifying, or as authorizing the Secretaries or the comprehensive plan to modify, any provision of an appropriation Act (or any other provision of law relating to the use of appropriated funds) that specifies—

(1) the department or agency to which funds are appropriated; or

(2) the obligations of such department or agency with respect to the use of such funds.

IMPLEMENTATION OF THE COMPREHENSIVE PLAN

SEC. 104. (a) The comprehensive plan shall be carried out during the period ending with the close of the ninth fiscal year following the fiscal year in which the comprehensive plan is submitted in its final form under section 103(d)(3), and shall be—

(1) carried out in accord with, and meet the program objectives specified in, section 103(a) and paragraphs (1) through (11) of section 103(b);

(2) managed in accord with paragraphs (12) through (14) of section 103(b);

(3) carried out, by the Federal agencies involved, in accord with the allocation of functions and activities under section 103(c); and

(4) funded by appropriations made to such agencies as described in section 106, for each fiscal year of the program.

(b) Nothing in this title may be construed to grant any new regulatory authority or to limit, expand, or otherwise modify any regulatory authority under existing law, or to establish new criteria, standards, or requirements for regulation under existing law.

SCIENTIFIC RESEARCH AND DEVELOPMENT IN SUPPORT OF THE COORDINATED PROGRAM AND COMPREHENSIVE PLAN

SEC. 105. The Secretaries shall coordinate the conduct of, and may contract with the National Science Foundation, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, and other suitable Federal agencies, for such scientific research and development as may be necessary or appropriate in support of the coordinated program and the comprehensive plan and in furtherance of the purposes and objectives of this Act.

AUTHORIZATIONS AND APPROPRIATIONS

SEC. 106. (a) Authorizations and appropriations for the fiscal year in which the comprehensive plan is submitted in final form under section 103(d)(3) and for the nine succeeding fiscal years, for purposes of carrying out the coordinated program and implementing the comprehensive plan, shall be requested by the Secretaries and by each of the agencies that are allocated responsibilities under the coordinated program under section 103(c), in a separate line item of the budget of the agency involved and consistent with the interagency budget for the coordinated program.

(b) Nothing in this title is intended to either—

(1) authorize the appropriation or require the expenditure of any funds in excess of the amount of funds that would be authorized or expended for the same purposes in the absence of the coordinated program; or

(2) limit the authority of any of the participating agencies to request and receive funds for such purposes (for use in the coordinated program) under other laws.

TITLE II—NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

ESTABLISHMENT OF THE COUNCIL

SEC. 201. (a)(1) The President shall establish, within ninety days after the date of the enactment of this Act, a National Nutrition Monitoring Advisory Council. The Council shall assist in carrying out the purposes of this Act, provide scientific and technical advice on the development and implementation of the coordinated program and comprehensive plan, and serve in an advisory capacity to the Secretaries.

(2) The Council shall consist of nine voting members, of whom—

(A) four members shall be appointed by the President; and

(B) five members shall be appointed by Congress of whom—

(i) one shall be appointed by the Speaker of the House of Representatives;

(ii) one shall be appointed by the minority leader of the House of Representatives;

(iii) one shall be appointed by the President pro tempore of the Senate;

(iv) one shall be appointed by the majority leader of the Senate; and

(j) The Administrator of Nutrition Monitoring and Related Research (if appointed under section 101(d)) shall serve as the Executive Secretary of the Council.

(k) The Council shall terminate on October 1, 2000.

FUNCTIONS OF THE COUNCIL

SEC. 202. The Council shall—

(1) provide scientific and technical advice on the development and implementation of all components of the coordinated program and the comprehensive plan;

(2) evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program;

(3) recommend to the Secretaries, on an annual basis, means of enhancing the comprehensive plan and the coordinated program; and

(4) submit to the Secretaries annual reports that—

(A) shall contain the components specified in paragraphs (2) and (3); and

(B) shall be included in full in the annual reports of the Secretaries to the President for transmittal to Congress under section 102(b).

TITLE III—DIETARY GUIDANCE

ESTABLISHMENT OF DIETARY GUIDELINES

SEC. 301. (a)(1) By January 1, 1990, and at least every five years thereafter, the Secretaries shall publish a report entitled "Dietary Guidelines For Americans". Each such report shall contain nutritional and dietary information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program.

(2) The information and guidelines contained in each report required under paragraph (1) shall be based on the preponderance of the scientific and medical knowledge which is current at the time the report is prepared.

(b)(1) Any Federal agency which proposes to issue any dietary guidance for the general population or identified population subgroups, shall submit the text of such guidance to the Secretaries sixty days before the publication of the notice of availability for comment required to be published in the Federal Register under this section.

(2)(A) During the sixty-day review period established in paragraph (1), the Secretaries shall review and approve or disapprove such guidance to assure consistency with the "Dietary Guidelines for Americans". If both Secretaries disapprove of such guidance, it shall be returned to the agency. If either Secretary finds that such guidance is inconsistent with the "Dietary Guidelines for Americans" and so notifies the proposing agency, such agency shall follow the procedures set forth in this subsection before disseminating such proposal to the public in final form. If after such sixty-day period, either Secretary disapproves such guidance as inconsistent with the "Dietary Guidelines for Americans" the proposing agency shall—

(i) publish a notice in the Federal Register of the availability of the full text of the proposal and the preamble of such proposal which shall explain the basis and purpose for the proposed dietary guidance;

(ii) provide in such notice for a public comment period of thirty days; and

(iii) make available for public inspection and copying during normal business hours any comment received by the agency during such comment period.

(B) After review of comments received during the comment period either Secretary may approve for dissemination by the proposing agency a final version of such dietary guidance along with an explanation of the basis and purpose for the final guidance which addresses significant and substantive comments as determined by the proposing agency.

(C) Any such final dietary guidance to be disseminated under subparagraph (B) shall be announced in a notice published in the Federal Register, before public dissemination along with an address where copies may be obtained.

(D) If after the thirty-day period for comment as provided under subparagraph (A)(ii), both Secretaries disapprove a proposed dietary guidance, the Secretaries shall notify the Federal agency submitting such guidance of such disapproval, and such guidance may not be issued, except as provided in subparagraph (E).

(E) If a proposed dietary guidance is disapproved by both Secretaries under subparagraph (D), the Federal agency proposing such guidance may, within fifteen days after receiving notification of such disapproval under subparagraph (D), request the Secretaries to review such disapproval. Within fifteen days after receiving a request for such a review, the Secretaries shall conduct such review. If, pursuant to such review, either Secretary approves such proposed dietary guidance, such guidance may be issued by the Federal agency.

(3) For purposes of this subsection, the term "dietary guidance for the general population" does not include any rule or regulation issued by a Federal agency.

(c) This section does not place any limitations on—

(1) the conduct or support of any scientific or medical research by any Federal agency; or

(2) the presentation of any scientific or medical findings or the exchange or review of scientific or medical information by any Federal agency.

V. SECTION-BY-SECTION ANALYSIS

Section 1 designates the Act as the "National Nutrition Monitoring and Related Research Act of 1988."

Section 2 enumerates the purposes of the Act, which are to: (1) make more effective use of federal and state expenditures for nutrition monitoring; (2) establish and facilitate the timely implementation of a coordinated National Nutrition Monitoring and Related Research Program; (3) establish and implement a comprehensive plan for the National Nutrition Monitoring and Related Research Program to assess, on a continuing basis, the dietary and nutrition-

al status of the people of the United States; (4) establish and improve the quality of national nutritional and health status data and related data bases and networks, and stimulate research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for nutrition monitoring; (5) establish a central federal focus for the coordination, management, and direction of federal nutrition monitoring activities; (6) establish mechanisms for addressing the nutrition monitoring needs of federal, state, and local governments, the private sector, scientific and engineering communities, health care professionals, and the public in support of the foregoing purposes; and (7) provide for the conduct of such scientific research and development as may be necessary or appropriate in support of such purposes.

Section 3 defines the key terms employed in the Act.

Title I section 101(a) establishes a ten-year coordinated program, named the National Nutrition Monitoring and Related Research Program. Section 101(b) assigns the responsibility for the implementation of the coordinated program to the Secretary of the Department of Agriculture and the Secretary of Health and Human Services.

To aid the implementation of the coordinated program, Section 101(c) establishes an Interagency Board for Nutrition Monitoring and Related Research, naming an Assistant Secretary in the Department of Agriculture and an Assistant Secretary in the Department of Health and Human Services as joint chairpersons.

Section 101(d) grants the Secretaries the authority to appoint an Administrator of Nutrition Monitoring and Related Research as the coordinator for the program. The section also establishes that the Administrator will be an individual who is eminent in the field of nutrition monitoring and related areas, and be selected on the basis of his or her established record of expertise and distinguished service. The administrator will administer the coordinated program with the advice and counsel of the joint chairpersons of the Board, serve as the focal point for the coordinated program, and serve as the Executive Secretary for the National Nutrition Monitoring Advisory Council.

Section 102(a) outlines the functions of the Secretaries, with the advice of the Board, which are to: (1) establish the goals of the coordinated program and identify the activities required to meet such goals, and identify the responsible agencies with respect to the coordinated program; (2) update the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System, and integrate it into the coordinated program; (3) ensure the timely implementation of the coordinated program and the comprehensive plan prepared under section 103 of the Act; (4) include in the coordinated program and in the comprehensive plan a competitive grants program, in accordance with the provisions of this Act, to encourage and assist the conduct by federal and non-federal entities on an appropriate matching funds basis, of research that will accelerate the development of uniform and cost-effective standards and indicators for the assessment and monitoring of nutritional and dietary status and for relating food consumption patterns to nutritional and health status; (5) include in the coordinated program and the comprehensive plan a grants program, in accordance with the pro-

visions of this Act, to encourage and assist state and local governments in developing the capacity to conduct monitoring and surveillance of nutritional status, food consumption, and nutrition knowledge and in using such capacity to enhance nutrition services; (6) include in the coordinated program each fiscal year an annual interagency budget for each fiscal year of the program; (7) foster productive interaction, with respect to nutrition monitoring and related research, among federal efforts, state and local governments, the private sector, scientific communities, health professionals, and the public; (8) contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology, to interpret available data analyses, and publish every two years or more frequently if appropriate, a report on the dietary, nutritional, and health-related status of the people of the United States and the nutritional quality, as defined in sec. 3(9), of the national food supply; (9) foster cost recovery management techniques in the coordinated program and impose appropriate charges and fees for publications of the coordinated program, including print and electronic forms of data and analysis, and use the proceeds of such charges and fees for purposes of the coordinated program (except that no charge or fee imposed on an educational or other nonprofit organization shall exceed the actual cost incurred by the coordinated program in providing the publications involved).

Section 102(b) requires the Secretaries to submit to the President for transmittal to Congress by January 15 of each alternate year, beginning with January 15 following the date of enactment, a biennial report that shall: (1) evaluate the progress of the coordinated program; (2) summarize the results of such coordinated program components as are developed under section 103 of the Act; (3) evaluate the relevant policy implications of the analytical findings and future nutrition monitoring and related research priorities; (4) include in full the annual reports of the Council provided for in section 202 of the Act; and (5) include an executive summary of the report published by the scientific body as provided for in subsection (a)(8) of section 102 of the Act. The report currently ongoing under the auspices of the joint USDA–DHHS Nutrition Evaluation Committee shall be the first report required under this section.

Section 103(a) outlines the various aspects that the comprehensive plan for nutrition monitoring and related research shall include. They are: (1) assess, collate data with respect to, analyze, and report, on a continuous basis, the dietary and nutritional status of the people of the United States; (2) sample representative subsets of identifiable low-income populations, and assess, analyze, and report, on a continuous basis, food and household expenditures, participation in food assistance programs (such as the federal Food Stamp Program), kinds of foods obtained through such programs, and periods experienced when nutrition benefits are not sufficient to provide an adequate diet; (3) sponsor or conduct research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for conducting and reporting nutrition monitoring and surveillance; (4) develop and keep updated a national dietary and nutritional status data bank, a nutrient data bank, and other data resources as required; (5) assist state and

local government agencies in developing procedures and networks for nutrition monitoring and surveillance; and (6) focus the activities of the federal agencies.

. Section 103(b) requires that the comprehensive plan, at a minimum, include components to: (1) maintain and coordinate the National Health and Nutrition Examination Survey [NHANES] and the Nationwide Food Consumption Survey [NFCS]; (2) provide, by 1990 for the continuous collection, processing and analysis of nutritional and dietary status data and to permit accelerated data analysis; (3) maintain and enhance other federal nutrition monitoring efforts such as the Centers for Disease Control Nutrition Surveillance Program and the Food and Drug Administration Total Diet Study; (4) incorporate, in survey design, military and (where appropriate) institutionalized populations; (5) complete the analysis and interpretation of the data sets from NHANES and NFCS collected before 1984 within the first year of the comprehensive plan; (6) improve the methodologies and technologies, including those suitable for use by States and localities, available for the assessment of nutritional and dietary status and trends; (7) develop uniform standards and indicators for the assessment and monitoring of nutritional and dietary status for relating food consumption patterns to nutritional and health status; (8) establish national baseline data and procedures for nutrition monitoring; (9) provide scientific and technical assistance, training, and consultation to state and local governments for the purpose of obtaining dietary and nutritional status data, developing related data bases and networks, and promoting the development of regional, state and local data collection services to become an integral component of a national nutritional status network; (10) establish mechanisms to identify the needs of users of nutrition monitoring data and to encourage the private sector and the academic community to participate in the development and implementation of the comprehensive plan; (11) compile an inventory of federal, state, and nongovernment activities related to nutrition monitoring and related research; (12) focus on national nutrition monitoring needs while building on the responsibilities and expertise of the individual membership of the Board; (13) administer the coordinated program, define program objectives, priorities, oversight, responsibilities, and resources; and (14) provide a mechanism for periodically evaluating and refining the coordinated program and the comprehensive plan that facilitates cooperation and interaction by state and local governments, the private sector, scientific communities, and health care professionals.

Section 103(c) requires that the comprehensive plan allocate projected activities under the coordinated program among the Federal agencies and offices that will be involved.

Section 103(d) outlines the details regarding the submission and availability of the comprehensive plan. The comprehensive plan shall: (1) be submitted in draft form to the President for submission to Congress, and for public review, within twelve months after the date of the enactment of the Act; (2) be available for public comment for a period of sixty days after its submission in draft form under paragraph (1) by means of publication in the Federal Register; (3) be submitted in final form, incorporating such needed revisions as may arise from comments received during the review

period, to the President for submission to Congress within sixty days after the close of the period allowed for comments on the draft comprehensive plan under paragraph (2); and (4) constitute the basis on which each agency participating in the coordinated program requests authorizations and appropriations for nutrition monitoring and related research during the ten-year period of the program.

Section 103(e) ensures that nothing in section 103 of this Act can be construed as modifying or authorizing the secretaries or the comprehensive plan to modify any provisions of an appropriation Act that specifies either the department or agency to which funds are appropriated or the obligation of such department or agency with respect to the use of such funds.

Section 104(a) provides for the implementation of the comprehensive plan. The comprehensive plan should be carried out during the period ending with the close of the ninth fiscal year following the fiscal year in which the comprehensive plan is submitted in its final form under section 103(d)(3) of the bill and shall be: (1) carried out in accord with, and meet the program objectives specified in, section 103(a) and paragraphs (1) through (11) of section 103(b) of the Act; (2) managed in accord with paragraphs (12) through (14) of section 103(b) of the Act; (3) carried out, by the federal agencies involved, in accord with the allocation of functions and activities under section 103(c) of the Act; and, (4) funded by appropriations made to such agencies as described in section 106 of the Act, for each fiscal year of the program.

Section 104(b) ensures that nothing in Title I may be construed to grant new regulatory authority or to limit, expand, or otherwise modify any regulatory authority under existing law, or to establish new criteria, standards, or requirements for regulation under existing law.

Section 105 requires the Secretaries to coordinate scientific research and development by the National Science Foundation, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, and other suitable Federal agencies in support of the coordinated program and the comprehensive plan as is necessary.

Section 106(a) states that authorizations and appropriations for the fiscal year in which the comprehensive plan is submitted in final form under section 103(d)(3) of this Act and for the nine succeeding fiscal years, for purposes of carrying out the coordinated program and implementing the comprehensive plan, shall be requested by the Secretaries and by each of the agencies that are allocated responsibilities under the coordinated program under section 103(c) of this Act, in a separate line item of the budget of the agency involved and consistent with the interagency budget for the coordinated program.

Section 106(b) states the nothing in Title I is intended either to (1) authorize the appropriation or require the expenditure of any funds in excess of the amount of funds that would be authorized or expended for the same purposes in the absence of the coordinated program, or (2) limit the authority of any of the participating agencies to request and receive funds for those purposes (for use in the coordinated program) under other laws.

Title II, section 201(a) requires the President to establish within ninety days after the date of enactment of this Act, a National Nutrition Monitoring Advisory Council. The Council shall assist in carrying out the purposes of this Act, provide scientific and technical advice on the development and implementation of the coordinated program and comprehensive plan, and serve in an advisory capacity to the Secretaries. The Council shall consist of nine voting members, of whom four members shall be appointed by the President; and five members shall be appointed by Congress, one by the Speaker of the House of Representatives, one by the minority leader of the House of Representatives, one by the President pro tempore of the Senate, one by the majority leader of the Senate, and one by the minority leader of the Senate. The Council shall also include the joint chairpersons of the Board as ex officio nonvoting members.

Section 210(b) outlines the qualifications of those appointed to the Council. Each person appointed to the Council shall be: (1) eminent in the field of administrative dietetics, clinical dietetics, community nutrition research, public health nutrition, nutrition monitoring and surveillance, nutritional biochemistry, food composition and nutrient analysis, health statistics management, epidemiology, food technology, clinical medicine, public administration, health education, nutritional anthropology, food consumption patterns, food assistance programs, agriculture, or economics; and (2) selected solely on the basis of an established record of distinguished service.

Sections 201 (c) and (d) detail the required affiliations of those appointed to the Council. The persons appointed by the President shall include: (1) one member who is a director of a nutrition research unit that is primarily supported by Federal funds, and who has a specialized interest in nutrition monitoring; (2) one member who is an employee of a state government and has a specialized interest in nutrition monitoring; (3) one member who is an employee of a local government and has a specialized interest in nutrition monitoring; and (4) one member who is an appointed representative of the Food and Nutrition Board, National Academy of Sciences. In addition, the Council membership, at all times, shall have representatives from various geographic areas, the private sector, academia, scientific and professional societies, agriculture, minority organizations, and public interest organizations.

Section 201(e) sets the terms of the election of a Chairperson of the Council. The Chairperson shall be elected from and by the Council membership. The term of office of the Chairperson shall not exceed five years. In case a vacancy occurs in the Chairpersonship, the Council shall elect a member to fill such vacancy.

Section 201(f) details the terms of office of the voting members of the Council and provides for appointments to fill vacant positions. The term of office of each of the voting members of the Council shall be five years, except that of the five members first appointed by the President, one shall be appointed for a term of two years, two for terms of three years, and one for a term of four years, as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed

shall be appointed for the remainder of such term. No member shall be eligible to serve continuously for more than two consecutive terms.

Section 201(g) requires that the initial members of the Council be appointed or designated not later than ninety days after the date of enactment of this Act.

Section 201(h) requires the Council to meet on a regular basis at the call of the Chairperson, or on the written request of one-third of the members. A majority of the appointed members of the Council shall constitute a quorum.

Section 201(i) requires that an appointed member of the Council not be employed by either the Department of Agriculture of the Department of Health and Human Services and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

Section 201(j) permits the Administrator of Nutrition Monitoring and Related Research, if appointed under section 101(d) of the bill, to serve as the Executive Secretary of the Council.

Section 201(k) provides that the Council shall terminate on October 1, 2000.

Section 202 details the functions of the Council. The Council shall: (1) provide scientific and technical advice on the development and implementation of all components of the coordianted program and the comprehensive plan; (2) evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program; (3) recommend to the Secretaries, on an annual basis, means of enhancing the comprehensive plan and the coordinated program; and (4) submit to the Secretaries annual reports that shall contain the components specified in paragraphs (2) and (3) of this section of the Act, and that shall be included in full in the Secretaries' annual reports to the President for transmittal to Congress under section 102(b) of this Act.

Title III Section 301(a) requires the Secretaries to jointly issue and publish the report "Dietary Guidelines for Americans" by January 1, 1990, and at least every five years thereafter. Information contained within these reports must be based on a preponderance of the scientific and medical knowledge that is current at the time the reports are prepared.

Section 301(b)(1) requires any federal agency planning to issue dietray guidance for the general population or for identified population subgroups to submit the guidance to the Secretaries for review for consistency with the report "Dietary Guidelines for Americans," 60-days prior to publication of a notice of availability for comment in the Federal Register, as provided for in this section.

Section 301(b)(2)(A) requires the Secretaries to approve or disapprove the proposed guidance to assure consistency with the "Dietary Guidelines for Americans". If both Secretaries disapprove of the proposed guidance, it must be returned to the agency. If both Secretaries approve of the proposed guidance, the agency must disseminate such guidance to the public in final form at the conclusion of the 60-day review periods. If either Secretary finds the proposed guidance inconsistent with the "Dietary Guidelines for Americans" and notifies the agency of such finding, the agency

shall: (1) publish a notice in the Federal Register of the availability of the full text of the proposal along with the preamble of the proposal that explains the basis and purpose for the guidance; (2) provide in the notice for a public comment period of thirty days; and, (3) make available for public inspection during normal business hours any comment received by the agency during the comment period. Any dietary guidance pending on the date of enactment of this Act, and any dietary guidance proposed to be issued after the date of enactment, shall be subject to the provisions of this section.

Section 301(b)(2)(B) states that after review of any comments received during the comment period, either Secretary may approve for dissemination by the proposing agency a final version of the proposed dietary guidance that includes an explanation of the basis and purpose for the final guidance which addresses significant and substantive comments, as determined by the proposing agency.

Section 301(b)(2)(C) states that any final dietary guidance disseminated under subparagraph (B) shall be announced in a notice published in the Federal Register that includes an address where copies may be obtained.

Section 301(b)(2)(D) states that if both Secretaries disapprove a proposed dietary guidance after the 30-day comment period provided under subparagraph (A)(ii), the Secretaries shall notify the agency submitting the proposed guidance of such disapproval, and such guidance may not be issued, except as provided in subparagraph (E).

Section 301(b)(2)(E) states that if both Secretaries disapprove a proposed dietary guidance under subparagraph (D), the agency proposing such guidance may, within 15 days after receiving notification of such disapproval, request the Secretaries to review such disapproval. The Secretaries must complete their review within 15 days after receiving a request for such review. If either Secretary approves the proposed guidance at the conclusion of such 15-day review period, such guidance may be issued immediately by the agency.

Section 301(b)(3) states that for subsection 301(b), the term "dietary guidance for the general population" does not include any rule or regulation issued by a federal agency. This subsection is not intended to modify the federal rulemaking process, and does not exempt any such rule or regulation issued by a federal agency from the administrative review process, which shall include a notice, comment, and review period.

Section 301(c) states that section 301 places no limitation on (1) the conduct or support of any scientific or medical research by any federal agency; or (2) the presentation of any scientific or medical information by any federal agency.

VI. AGENCY VIEWS

The Committee notes that the United States Department of Agriculture (USDA) has objections to S. 1081 and provides the following letter prepared by the USDA.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, March 31, 1988.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The U.S. Department of Agriculture (USDA) opposes enactment of S. 1081, a bill "To establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scentific research and development in support of such program and plan."

For reasons stated below, we recommend that the bill not be enacted.

The bill requires the Secretary of Agriculture and the Secretary of Health and Human Services to develop and implement a National Nutrition Monitoring and Related Research Program to carry out the purpose of this Act. This program would cover a ten-year period and would identify activities required and identify responsible agencies. An annual interagency budget would be required.

The bill requires the Secretaries to prepare and implement a comprehensive plan for the coordinated program that contains thirteen specific components including continuous assessment, collation, analysis and reporting of the dietary and nutritional status of the people of the United States. Specific reference is made to data collection for population subgroups such as preschool and school-age children, pregnant and lactating women, elderly individuals, low-income population, blacks and Hispanics.

The Secretaries are directed to include two grants programs in the coordinated program and the comprehensive plan. One is a competitive grants program to accelerate development of uniform, cost effective standards and indicators for assessment and monitoring of nutritional and dietary status. The other is a grants program to encourage and assist State and local governments in developing the capacity to conduct monitoring and surveillance activities.

A management structure reporting to the Secretaries is established and includes an Administrator, an Interagency Board and an eleven-member Advisory Council. The Secretaries and the Advisory Council are required to make annual reports to Congress on progress made.

In addition, a report on the dietary, nutritional and health-related status of the population and the nutrition quality of the national food supply is required every two years.

The Department of Agriculture is committed to the need for a comprehensive and well-coordinated National Nutrition Monitoring System. Such a system is currently being implemented *jointly* by USDA and the Department of Health and Human Services (DHHS) under a plan submitted to Congress in 1981 pursuant to the Food and Agriculture Act of 1977, Public Law 95–113, and updated in 1987. Under this plan, USDA has major responsibilities in the area

of nutrition monitoring as well as nutrition guidance and education.

A new type of survey, the Continuing Survey of Food Intakes by Individuals (CSFEE), was begun in the Spring of 1985. A nationally representative sample of women 19 to 50 years of age at all incomes and their children 1 to 5 years of age were surveyed for their dietary intake and eating habits at regular intervals (one day's intake every two months) for twelve months. A similar survey was conducted using low-income women and their children as respondents. We are very proud of this new survey, which is the culmination of much research and improvements in methodology, as well as in the nutrient data base with which these data are interpreted.

The first results from the CSFII all income sample were released in December 1985, less than one year from time of collection. We anticipate the remaining data will be released in an equally timely fashion. Similar data were collected in 1986.

The Nationwide Food Consumption Survey (NFCS), conducted approximately every ten years, is currently in the field and coordinated with DHHS' National Health and Nutrition Examination Survey (NHANES). These surveys are major components of the 1981 National Nutrition Monitoring Implementation Plan. The plan called for and has resulted in greatly increased efforts to coordinate the nutrition monitoring activities of the two departments. For example, DHHS is relying on USDA's national nutrient data base for the evaluation of dietary data collected in the Hispanic HANES. Regular meetings are being held between the appropriate staff members of the agencies to address questions of comparability between these two large surveys each with a different primary focus.

An evaluation of the nutritional status of the nation was published July 15, 1986. This study, carried out by the Joint Nutrition Monitoring Evaluation Committee, is part of the 1981 implementation plan. Such an examination of the data is planned on a regular basis. The 1987 Operational Plan continues these activities and expands coordination efforts to the other monitoring activities.

Obviously, any system can be improved. However, we believe that S. 1081 would hinder improvement of our nutrition monitoring system for the following reasons:

The management structure proposed—an Administrator and an eleven-member Council, in addition to an Interagency Board—would be cumbersome and likely to delay rather than enhance the achievement of the stated monitoring goals. The burden of providing adequate support to these management components would result in a reduction of staff time and resources for actual monitoring efforts.

S. 1081 requires two grants programs to be set up and that the Secretaries provide for appropriate scientific research and development by the National Science Foundation, National Aeronautic and Space Administration, National Oceanic and Atmospheric Administration and the National Bureau of Standards. This detracts from other collection efforts.

There are references throughout the bill to poorly defined concepts, such as the nutritional quality of the food supply and data

collection allowing reliable estimates for geopolitical and geographic areas. It is impossible to estimate new costs associated with the bill until these terms are clarified.

S. 1081 imposes an additional paperwork burden by requiring two annual reports, one by the Secretaries and one by the Advisory Council, as well as a biennial report by a scientific body. An additional paperwork burden would also result from the need to expand current survey efforts in order to meet the coordinated program requirements.

These objections, along with the positive results from the current nutrition monitoring system, lead us to the conclusion that S. 1081 is unnecessary and potentially harmful in achieving our monitoring goals, which are consistent with those of the proposed legislation.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD E. LYNG, *Secretary.*

VII. ESTIMATED COST

Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed the cost implications of S. 1081. The following is CBO's estimate of the potential costs of this legislation.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 10, 1988.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared a cost estimate for S. 1081, the National Nutrition Monitoring and Related Research Act of 1988, as ordered reported by the Senate Committee on Governmental Affairs on April 14, 1988. The CBO estimates the cost to the federal government of this bill could be about $500,000 in fiscal year 1989, possibly increasing to about $600,000 in fiscal year 1991. The budgets of state and local governments would not be affected by the enactment of this legislation.

S. 1081 would establish a ten-year National Nutrition Monitoring and Related Research Program. The bill also establishes guidelines for a comprehensive plan that would coordinate nutrition monitoring activities and research and help set nutrition priorities in the United States.

The government currently funds nutrition monitoring and related research activities within the Departments of Agriculture and Health and Human Services. Section 106 of this bill states that Title I is not intended to authorize any funds above the current level of expenditures on nutrition monitoring and related research programs. This bill, however, would provide coordination of the current federal effort.

The CBO has estimated costs for coordinating the program in fiscal years 1989 through 1993. Under the bill, the Secretaries of

Agriculture and Health and Human Services could appoint a full-time Administrator of Nutrition Monitoring and Related Research within four months of enactment. Funds for salary and overhead for the administrator and additional staff would be needed. We estimate the costs for the administrator and two additional staff to be about $250,000. This could increase to about $300,000 in fiscal year 1993 due to increases in federal pay levels.

Title III of the bill relates to the publication of dietary guidelines in 1990 and continuing every five years. The federal government currently publishes dietary guidelines. The coordination of the guidelines publication could require funds for salary and overhead for an administrator and additional staff. Administrative costs relating to the publication of these guidelines would cost about $250,000 in fiscal year 1989 and could increase to about $300,000 in fiscal year 1993, due to federal pay level increases.

Please call me or have your staff contact Lori Housman (226–2820) if you have further questions.

Sincerely,

JAMES BLUM, *Acting Director.*

VIII. EVALUATION OF REGULATORY IMPACT

Paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate "the regulatory impact which would be incurred in carrying out the bill."

The adoption of this legislation will significantly improve the collection and analysis of nutrition and health related data. The Committee has determined that there will be a minimal increase in regulatory burden and paperwork in that the Secretaries of the Department of Health and Human Services and the Department of Agriculture will be required to submit a biennial report to Congress.

IX. CHANGES IN EXISTING LAW

Rule XXVI of the Standing Rules of the Senate requires that changes in existing law made by the bill, as reported, be detailed in the Committee Report accompanying the bill. S. 1081 will require no changes in current law.

X. COMMITTEE VOTE

On April 14, 1988, a quorum being present, the Committee on Governmental Affairs, agreed, by voice vote, to report S. 1081 as amended favorably to the Senate. No opposition to the bill was registered by any member.

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